

Respond to:

Kurt F Johnson, living soul  
Deborah Jean Welsh, living soul  
c/o KURT F JOHNSON-FICTION-13177-081  
DUBLIN FEDERAL DETENTION CENTER  
5675 8<sup>TH</sup> ST. CAMP PARKS  
DUBLIN, CA. [94568]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DISTRICT**

KURT F. JOHNSON,  
DEBORAH JEAN WELSH,

**Plaintiff,**

**Vs.**

UNITED STATES  
BUREAU OF PRISONS,  
FDC DUBLIN,  
STATE OF CALIFORNIA,  
PAUL COPENHAVER as WARDEN as  
INDIVIDUAL,  
THERESA Y. BUTTS as ASSOCIATE WARDEN  
as INDIVIDUAL,  
THOMAS A. JONES as ASSOCIATE WARDEN  
as INDIVIDUAL,  
WILLIAM KUBITZ as JAILHOUSE  
ADMINISTRATOR as INDIVIDUAL,  
MICHAEL BERNHARDT as CAPTAIN as  
INDIVIDUAL,  
JANET AUGUSTINE as CASE MANAGER as  
INDIVIDUAL,  
TONY RIVAS as CORRECTIONAL COUNSELOR  
as INDIVIDUAL,  
ROBERT POWERS as CORRECTIONAL  
COUNSELOR as INDIVIDUAL,  
VALERIE STEWART as REGIONAL COUNSEL  
as INDIVIDUAL,  
DOES 1-50,

**Defendants,**

COMPLAINT, OFFER OF SETTLEMENT FOR  
FILING FEES, STATEMENT AS TO  
EXHAUSTION OF ADMINISTRATIVE  
REMEDIES, TEMPORARY RESTRAINING ORDER  
REQUEST, ORDER

**NOTICE**

This is the last administrative offer made by plaintiffs to settle this matter without litigation. If the defendants will restore visiting between husband and wife KURT F. JOHNSON and DEBORAH JEAN WELSH this case will be dismissed. Damages will be waived and not reasserted if parties continue in honorable behavior consistent with public policy and the law.

**INTRODUCTION**

On March 3, 2006 plaintiff KURT JOHNSON (JOHNSON) was delivered to the FDC Dublin facility as part of the incarceration related to the criminal case CR 05-00611 WHA out of the San Francisco Division. JOHNSON is required by due process rights to remain at this facility. Shortly thereafter plaintiff DEBORAH JEAN WELSH (WELSH) was approved to visit as a common law wife. Visits were regular throughout the tenure of JOHNSON'S stay until about September 18, 2007. At that time JOHNSON was informed that the policy for the facility was only to allow spouses and immediate family to visit and that a common law spouse was not recognized by California so none of the defendants would recognize the common law contract or JOHNSON'S spouse. It is believed that this action is punitive because of prior conflicts JOHNSON had with the defendants and that the defendants are knowingly and deliberately violating the rights of plaintiffs with a wanton disregard for the law.

**FACTS**

Plaintiffs are husband and wife for all times relevant to this action. As part of that contract of marriage they are entitled to the benefits without depravation unless through just compensation or a lawful basis. The law is clear that the government shall not impair the obligations of legal

1 contracts. The marriage contract has been established legal and binding  
2 longer than the Constitution relied upon for the defendants and this court's  
3 existence. There are many more damages occurring by the deprivation of  
4 rights that exceed this right of visitation being stolen and addressed by  
5 this complaint. Those rights are being addressed though other methods and  
6 this complaint is limited in scope to the restoration and compensation of the  
7 deprived right to visit between spouses. The defendants have in various ways  
8 been noticed administratively that plaintiffs want their right restored. All  
9 attempts have been rebuffed with "that's policy" retorts. An unlawful policy  
10 does not create a right. Marriage is a solemn contract that has many  
11 benefits inherent within it. The policy of government is to keep the ties to  
12 community for those incarcerated because it meets the ultimate goals of  
13 public policy to benefit the community of people. The walls and gates of a  
14 prison do not suspend the constitution, rights, or contracts. Plaintiffs are  
15 being subjected to a violation of public policy by the enforcement of some  
16 junior policy inconsistent with public policy. Plaintiff's other rights are  
17 not coming into question but the right to see each other, to touch each  
18 other, and to view each other within the confines of and without violation of  
19 other policies such as security policy is not too much to ask or expect. The  
20 defendants are not in anyway prejudiced by the visits, incur no extra cost,  
21 have already allowed such visits without incident. They are without excuse  
22 to eliminate these visits and without a lawful basis to do so.

#### 23 THE CLAIM

24 The government is precluded from the conversion of a right into a  
25 privilege to exact a fee and to issue a license. The marriage license issued  
26 by the State of California is not evidence of the contract already entered by

1 plaintiffs and is an offer of another contract being coerced into being by  
2 the deprivation of right and the cruel and unusual punishment of being  
3 subjected to lawless behavior from those whose ignorance can be no excuse.  
4 It is not a remedy to coerce people into unnecessary contracts that benefit  
5 undisclosed parties. The State of California is free to "recognize" common  
6 law marriage or not within its administrative affairs but that is not the  
7 same as having the ability to violate the law by not recognizing a valid and  
8 binding contract they are not a party to or able to impair. If this logic  
9 was left unchecked they may look to the dissolving of corporations not  
10 "recognized" because they are incorporated in other jurisdictions. The State  
11 of California is absent jurisdiction to deny the lawful contract of the  
12 plaintiffs. No benefits are being asked for from the State of California  
13 that would fall within their administration. Without any benefit sought and  
14 obtained there is not a binding obligation created or accepted. California  
15 is not consistent with its policy even if it was appropriate to rely upon.  
16 In the Family Court of Santa Clara JOHNSON'S prior common law wife filed for  
17 divorce in case number 1-07-FL139313 and was "recognized" or the case is  
18 without jurisdiction.

19 The federal government is not subjected to the regulations of  
20 California within its jurisdiction. California's rules, regulations, and  
21 policies are not binding. The federal government has no duty to look to  
22 California for what it "recognizes" or not. Furthermore they are bound by  
23 their own laws which already "recognize" the common law contract of marriage.  
24 The defendants by their office and individual choices have all stepped  
25 outside the law on a whim that "recognition" in California is an exemption  
26 from the prohibitions within the laws binding upon them. The federal

1 government is not allowed to impair the obligations of contracts anymore than  
2 California. They are not allowed to play patty-cake with swapping  
3 jurisdictions to avoid the liability of violations of law. Any law not  
4 consistent with the supreme law of the land is void as though it never was  
5 created. How much more a simple policy in a branch of the executive? The  
6 defendants are all studied in law and trained in the enforcement thereof.  
7 How is it that such nonsensical efforts of lawlessness can be contemplated?  
8 Each defendant has been involved in the visiting issue with the plaintiffs  
9 and has failed to uphold the law. Does are listed because the plaintiffs are  
10 not certain if this is a complete list of parties involved. Discovery should  
11 sort this out.

12 Their policy is not even consistent with other institutions within  
13 their system. Furthermore my mother-in-law is part of the marriage contract  
14 benefit and should be allowed to visit if all the other requirements are met  
15 as an immediate family member.

#### 16 ADMINISTRATIVE EXHAUSTION

17 The normal process of BP-8, 9, and 10 have not been used in this  
18 situation since the tenets of their purpose have already been accomplished.  
19 The exhaustion of administrative remedies is for judicial economy, to avoid  
20 litigation, to supply appropriate notice with an opportunity to cure. Over  
21 the four months of deprivation JOHNSON personally confronted most of the  
22 defendants and politely asked them to reconsider their policy. JOHNSON  
23 further supplied a legal treatise on the subject matter to defendant Kubitz  
24 to forward to the appropriate parties. This treatise had in bold lettering  
25 NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPLE, NOTICE TO THE PRINCIPLE IS  
26 NOTICE TO THE AGENT. Still no remedy was afforded JOHNSON except that is our

COMPLAINT, OFFER OF SETTLEMENT FOR FILING FEES, STATEMENT AS TO EXHAUSTION OF  
ADMINISTRATIVE REMEDIES, TEMPORARY RESTRAINING ORDER REQUEST, ORDER



1 policy go get married by California. Finally JOHNSON informed Mr. Kubitz of  
2 the intentions to seek a judicial remedy even though the desire was only for  
3 the restoration of visits and not litigation. Mr. Kubitz informed JOHNSON  
4 that he had e-mailed defendant Ms. Valerie Stewart on Monday 1-21-08 who  
5 functions as the regional counsel and on 1-25-08 informed JOHNSON that there  
6 would be no change in policy. It is believed by JOHNSON that these actions  
7 taken to mitigate damages are consistent with public policy, gave ample  
8 opportunity to cure, noticed all the parties, would be effective and accepted  
9 under the Uniform Commercial Code, and run parallel to the Bureaus  
10 administrative policies. Finally a courtesy copy of this document was  
11 delivered by the internal mail system to each party as a proposed complaint  
12 in hopes they would repent of their lawlessness before it was filed by  
13 JOHNSON.

#### 14 RELIEF SOUGHT

15 Plaintiffs are seeking compensatory damages of \$5,000.00 for every  
16 missed visit based on the visiting days that were available to visit from the  
17 suspension until their restoration. Whatever appropriate punitive damages  
18 are justified by the level of misanthropy. Plaintiffs would suggest Pacific  
19 Mut. Life Ins. Co. v. Halsip (1991) 499 U.S. 1, 111 S. Ct. 1032 be considered  
20 as governing these damages. That the mother-in-law be allowed to visit. That  
21 each defendant be jointly and severely liable unless they can show cause on  
22 how they attempted to follow the law in objection to the policy of  
23 lawlessness. That the attached Temporary Restraining Order (TRO) be granted  
24 immediately to mitigate the damages. That this court make it clear for  
25 plaintiffs and those like situated that any policy contrary to public policy,  
26 public law, honesty, fair dealing, reasonableness, will not be enforced at

1 the detriment of rights and that those who do so under the color of law will  
2 not be exempted from the damages they create with their wanton disregard for  
3 the law.

#### 4 THE LAW

5 The Constitution of the United State makes it clear in Article I  
6 section X that no state shall by the passing of a law impair "the obligation  
7 of contracts" California has a corresponding provision though it is not  
8 available to plaintiff. Title 42 1983 allows for the redress of civil rights  
9 violations. Murdock v. Pennsylvania 319 US 105, 83 Le 1292, 63 S. Ct. 870  
10 makes it clear that the state can not take a right convert it into a  
11 privilege, and exact a fee. The taking of the right to the obligation of the  
12 marriage contract and converting it into a privilege to be "recognized" by  
13 the state by the issuance of a license and exacting a fee is in direct  
14 contravention to the law unless it is offered as a separate contract that is  
15 entered into voluntarily by the parties. It cannot be coercively forced upon  
16 a party and still have the sanction of law. Plaintiffs have made no such  
17 voluntary acceptance of the offer of California nor do they wish to be  
18 coerced by the federal government's deprivation, it's agents, and defendants  
19 of right to enter into that "recognized" contract. In Meister v. Moore 96 US  
20 76 the holding never overturned and still valid law is "As before remarked,  
21 the statutes are held **merely directory**; because **marriage is a thing of common**  
22 **right**... Turner v. Safely 482 US 78, 96 L Ed. 2d 64; 107 S Ct. 2254 recognizes  
23 that a correctional facility can impose policies that are necessary for  
24 security and safety but clearly cannot be infirmed on their face by their  
25 infringing upon the fundamental constitutional rights.

1 The IRS excepts the common law marriage for all its marital policies.  
2 The amount of IRS clients taking that privilege from California alone would  
3 be too many to count.

#### 4 **SETTLEMENT OFFER**

5 The plaintiff JOHNSON asks this court to off set the filing fee from whatever  
6 budget they have access or control over and to apply the exemption as a  
7 matter of public law 73-10 and public policy. There is no controversy as to  
8 the expense. JOHNSON freely and without reservation by the endorsement upon  
9 this document authorize the fee issued to retain this court's services be  
10 discharged, set-off, or settled in accordance with House Joint resolution  
11 192, Public law 73-10 and public policy and that the exemption account within  
12 the US Treasury office under the CUSIP number 557195389 having been properly  
13 established by law be properly levied. This has been accepted as an  
14 appropriate settlement offer 3 times now by the 9<sup>th</sup> Circuit under case numbers  
15 07-10519, 07-10423, 06-73277, there should be no problem. Further this fact  
16 can be easily verified by minute entry number 530 in case CR 05-00611 WHA  
17 which was the letter used to obtain acceptance by the 9<sup>th</sup> on account 07-10519.

#### 18 **VERIFICATION, AFFIDAVIT, DECLARATION**

19 We, KURT F. JOHNSON, and DEBORAH JEAN WELSH, Plaintiffs, do certify  
20 under penalty of perjury as specified in the Laws of God that we have read  
21 the foregoing COMPLAINT, OFFER OF SETTLEMENT FOR FILING FEES, STATEMENT AS TO  
22 EXHAUSTION OF ADMINISTRATIVE REMEDIES, TEMPORARY RESTRAINING ORDER REQUEST,  
23 ORDER, pursuant to the First Amendment, and that the contents thereof are  
24 true and correct and to those things based upon belief we believe them to be  
25 true.

26  
COMPLAINT, OFFER OF SETTLEMENT FOR FILING FEES, STATEMENT AS TO EXHAUSTION OF  
ADMINISTRATIVE REMEDIES, TEMPORARY RESTRAINING ORDER REQUEST, ORDER

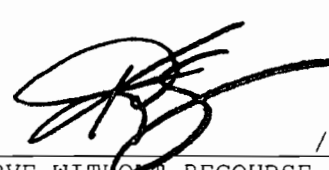


Executed this 2nd Day of February, Year of Our Lord 2008, at the County of Alameda, State of California (1849):

Respectfully submitted,

Dated: February 19, 2008

By:  //ss//  
UNDER RESERVE WITHOUT RECOURSE  
DEBORAH JEAN WELSH-FICTION-PLAINTIFF

By:  //ss//  
UNDER RESERVE WITHOUT RECOURSE  
KURT F. JOHNSON-FICTION-PLAINTIFF

**DISCLAIMER:** The sovereign natural parties by their participation with the customs and usage of trade procedures (local rules, evidence rules, civil procedures, statutes, regulations, and rules) do not infer or imply consent or acceptance, but are merely attempting to extricate themselves from the hostile coercive trespass upon their rights, title, and interest and the dishonor of fiduciaries not settling the matter in accordance with provided instructions and public policy while in all ways are seeking honor in commerce.

#### **PROOF OF SERVICE**

I, Deborah Jean Welsh, a natural woman, hereby certify that I have served a true and correct and complete copy of the COMPLAINT, OFFER OF SETTLEMENT FOR FILING FEES, STATEMENT AS TO EXHAUSTION OF ADMINISTRATIVE REMEDIES, TEMPORARY RESTRAINING ORDER REQUEST, ORDER, upon the following listed parties by placing it in the U.S. mail with the appropriate postage addressed to on February 19, 2008:

Mr. William Kubitz  
Jailhouse Administrator  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Ms. Janet Augustine  
Case Manager  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Mr. Robert Powers  
Correctional Counselor  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Mr. Michael Bernhardt  
Captian  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Mr. Tony Rivas  
Correctional Counselor  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Ms. Valerie Stewart  
Regional Counsel (CASBN 85654)  
7950 Dublin Blvd. 3rd Floor  
DUBLIN CA 94568

COMPLAINT, OFFER OF SETTLEMENT FOR FILING FEES, STATEMENT AS TO EXHAUSTION OF ADMINISTRATIVE REMEDIES, TEMPORARY RESTRAINING ORDER REQUEST, ORDER

1 Mr. Paul Copenhaver  
Warden  
2 5701 8th St. CAMP PARKS  
DUBLIN CA 94568

FDC Dublin  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

3 Ms. Teresa Y. Butts  
Associate Warden  
4 5701 8th St. CAMP PARKS  
DUBLIN CA 94568

STATE OF CALIFORNIA  
ATTORNEY GENERAL  
JERRY BROWN

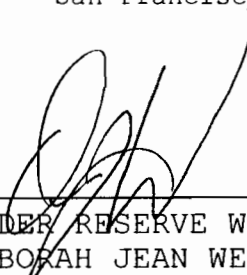
*P.O. Box 944255*  
SCARAMENTO CA *94244-2550*

5 Mr. Thomas A. Jones  
Associate Warden  
6 5701 8th St. CAMP PARKS  
DUBLIN CA 94568

UNITED STATES  
ATTORNEY GENERAL  
950 Pennsylvania Avenue N.W.  
Washington DC 20530

7  
8 FEDERAL BUREAU OF PRISONS  
320 FIRST ST. NW  
WASHINGTON DC 20534

Scott Schools  
450 Golden Gate Av  
San Francisco Ca 94102

9  
10  
11 By:  //ss//  
12 For: UNDER RESERVE WITHOUT RECOURSE  
13 DEBORAH JEAN WELSH-FICTION  
14  
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19  
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22  
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24  
25  
26

Respond to:

Kurt F Johnson, living soul  
Deborah Jean Welsh, living soul  
c/o KURT F JOHNSON-FICTION-13177-081  
DUBLIN FEDERAL DETENTION CENTER  
5675 8<sup>TH</sup> ST. CAMP PARKS  
DUBLIN, CA. [94568]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DISTRICT**

KURT F. JOHNSON,  
DEBORAH JEAN WELSH,

**CASE NO.**

**Plaintiff,**

TEMPORARY RESTRAINING ORDER REQUEST,  
ORDER

**Vs.**

UNITED STATES  
BUREAU OF PRISONS,  
FDC DUBLIN,  
STATE OF CALIFORNIA,  
PAUL COPENHAVER as WARDEN as  
INDIVIDUAL,  
THERESA Y. BUTTS as ASSOCIATE WARDEN  
as INDIVIDUAL,  
THOMAS A. JONES as ASSOCIATE WARDEN  
as INDIVIDUAL,  
WILLIAM KUBITZ as JAILHOUSE  
ADMINISTRATOR as INDIVIDUAL,  
MICHAEL BERNHARDT as CAPTAIN as  
INDIVIDUAL,  
JANET AUGUSTINE as CASE MANAGER as  
INDIVIDUAL,  
TONY RIVAS as CORRECTIONAL COUNSELOR  
as INDIVIDUAL,  
ROBERT POWERS as CORRECTIONAL  
COUNSELOR as INDIVIDUAL,  
VALERIE STEWART as REGIONAL COUNSEL  
as INDIVIDUAL,  
DOES 1-50,

**Defendants,**

**TEMPORARY RESTRAINT OF POLICY**

Plaintiffs seek a temporary restraint of the policy that denies the visiting of plaintiff DEBORAH JEAN WELSH wife to inmate plaintiff KURT JOHNSON husband and mother-in-law MARILYN JEAN WELSH which is clearly in violation of the law, creates no hardship on the defendants, and would be consistent with public policy and public law.

**DAMAGES**

Plaintiffs are suffering irreparable harm with no remedy but the law to rectify. Defendants are enjoying the benefits of lawlessness at the expense of plaintiffs. There is no cost or possible damage to defendants by the granting of this order in that plaintiff were already allowed to visit without incident, their desire to visit is consistent with the law and their rights under those laws, creates no extra burden or cost in that the defendants already have provisions built into their facility for the facilitation of the request. The damages to the plaintiffs are continuing and unabated and without any other remedy except by the power of this court to cease. No amount of discussion or solicitation with the defendants has netted anything but a hard line of deprivation. No logic or commonsense has been offered by the defendants as well as no remedy except go get married in California. This is not a viable remedy in that none of the defendants will disclose the terms and conditions of the contract or bear the liabilities. The court is safe in granting this TRO because there is no other risk or policy infringements that would come into question. The court has past practice, the law, no possible cost or damage to the defendants, all on the side of its cautious considerations for such an order being granted.

Respond to:

Kurt F Johnson, living soul  
Deborah Jean Welsh, living soul  
c/o KURT F JOHNSON-FICTION-13177-081  
DUBLIN FEDERAL DETENTION CENTER  
5675 8<sup>TH</sup> ST. CAMP PARKS  
DUBLIN, CA. [94568]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DISTRICT**

KURT F. JOHNSON,  
DEBORAH JEAN WELSH,

**CASE NO.**

**Plaintiff,**

TEMPORARY RESTRAINING ORDER

**Vs.**

UNITED STATES  
BUREAU OF PRISONS,  
FDC DUBLIN,  
STATE OF CALIFORNIA,  
PAUL COPENHAVER as WARDEN as  
INDIVIDUAL,  
THERESA Y. BUTTS as ASSOCIATE WARDEN  
as INDIVIDUAL,  
THOMAS A. JONES as ASSOCIATE WARDEN  
as INDIVIDUAL,  
WILLIAM KUBITZ as JAILHOUSE  
ADMINISTRATOR as INDIVIDUAL,  
MICHAEL BERNHARDT as CAPTAIN as  
INDIVIDUAL,  
JANET AUGUSTINE as CASE MANAGER as  
INDIVIDUAL,  
TONY RIVAS as CORRECTIONAL COUNSELOR  
as INDIVIDUAL,  
ROBERT POWERS as CORRECTIONAL  
COUNSELOR as INDIVIDUAL,  
VALERIE STEWART as REGIONAL COUNSEL  
as INDIVIDUAL,  
DOES 1-50,

**Defendants,**



1 It is hereby ordered by this court that the defendants are temporarily  
2 restrained from the practice of denying plaintiffs their social visits for  
3 any reason related to their relationship. This order shall remain in effect  
4 for 90 days or until good cause can be presented for it to quashed.

5  
6 If the court has checked the box it is further ordered that:

7  
8 ☐ The mother-in-law if she meets all the security requirements of the  
9 normal approval process is not to be restrained from social visits and  
10 is to be considered immediate family for the purposes of policy.

11  
12 This is to take effect immediately upon delivery with visits restored.

13  
14 ☐ Plaintiffs are to be allowed extended visits as a compensation for  
15 their deprivation within the normal confines of the current policy of 2  
16 hours.

17  
18  
19 **IT IS SO ORDERED**

20 \_\_\_\_\_  
UNITED STATES FEDERAL JUDGE

21  
22 Dated: February \_\_\_\_\_, 2008

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

**SUMMONS IN A CIVIL CASE**

KURT F. JOHNSON  
DEBORAH JEAN WELSH  
V.

CASE NUMBER:

UNITED STATES  
BUREAU OF PRISONS et. al.

TO: (Name and address of defendant)

See Attached List

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

KURT JOHNSON 13177-081  
FEDERAL DETENTION CENTER  
5675 8<sup>TH</sup> ST. CAMP PARKS  
DUBLIN CA 94568

an answer to the complaint which is herewith served upon you, within 45 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE \_\_\_\_\_

\_\_\_\_\_  
(BY) DEPUTY CLERK

**SUMMONS  
ATTACHMENT  
LIST**

The following parties listed bellowed are those whom will be served by the delivery of summons and complaint.

Mr. William Kubitz  
Jailhouse Administator  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Mr. Michael Bernhardt  
Captian  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Mr. Robert Powers  
Correctional Counselor  
5701 8th St. CAMP PARKS  
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7950 Dublin Blvd. 3rd Floor  
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5701 8th St. CAMP PARKS  
DUBLIN CA 94568

Mr. Thomas A. Jones  
Associate Warden  
5701 8th St. CAMP PARKS  
DUBLIN CA 94568

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>		DATE
Name of SERVER		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served Personally upon the Defendant. Place where served:         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left:         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted:         </div> <div> <input type="checkbox"/> Other (specify):         </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center;"><i>Date</i></p> </div> <div style="width: 45%;"> <p>_____</p> <p style="text-align: center;"><i>Signature of Server</i></p> </div> </div> <div style="margin-top: 20px; text-align: center;"> <p>_____</p> <p><i>Address of Server</i></p> </div>		
<p>(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure</p>		

CV 08

- 1155

MMC

(PR)

Clerk of the Court

February 3, 2008

I have submitted this complaint with the legal request to have you file it with the fee set-off in accordance with public law 73-10. This makes the forma paupers request obsolete and irrelevant. This settlement of your claim for a fee is sufficient to cover both parties and the entire amount requested. To make this demand of me is against public policy and the law. As to the exhaustion of administrative remedies I have fully plead that within the complaint. If you still feel that you are barred from filing this complaint please contact Mr. Wieking who is familiar with me and my filings with the court of appeals that have accepted my exemption without incident. Thank you for your kind service.

Sincerely,

//SS//

KURT JOHNSON

E-11109



JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> Kurt F Johnson, living soul Deborah Jean Welsh, living soul  <b>(b) County of Residence of First Listed Plaintiff</b> <u>Alameda</u> (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> C/O KURT F JOHNSON-FICTION-13177-081 5675 8 <sup>TH</sup> ST. CAMP PARKS DUBLIN FEDERAL DETENTION CENTER DUBLIN, CA. [94568]	<b>DEFENDANTS</b> UNITED STATES et.al.  <b>County of Residence of First Listed Defendant</b> <u>Alameda</u> (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  <b>Attorneys (If Known)</b>
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated or Principal Place of Business in This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4										
Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6										

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13950) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

<b>V. ORIGIN</b> (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment							
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<b>VI. CAUSE OF ACTION</b> Brief description of cause:	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>42 § 1983</u> <u>Prison and parties are denying visiting rights through marriage discrimination</u>
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<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> <u>5,000 per incident</u>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b> (See instructions):	JUDGE _____	DOCKET NUMBER _____
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DATE February 2, 2008 SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND☐ SAN JOSE

RETURNED TO SENDER  
5675 8th St CAMP PARKS  
DUBLIN CA 94568



INSPECTED BY  
FEB 20 2008  
U.S. MARSHALS SERVICE

UNITED STATES DISTRICT COURT,  
Northern California Oakland  
1301 Clay Street, Suite 4005  
Oakland, CA 94612-5212

